

**REMARKS**

In the Office Action of February 6, 2007, the Examiner indicated allowable subject matter in certain claims. Accordingly, Applicants amended the claims such that all claims included subject matter indicated by the Examiner as being allowable. However, in the Office Action mailed June 7, 2007,<sup>1</sup> the Examiner issued a new ground of rejection, rejecting claims 1-13, 15-28, 30-43, 45-58, and 60-71 under 35 U.S.C. § 101 as being directed to a non-statutory subject matter. Applicants now propose to amend claims 1-4, 12, 13, 15-28, 30-34, 42, 45-49, 56, 57, 60-64, and 66-68 to even more clearly recite statutory subject matter. Claims 1-13, 15-28, 30-43, 45-58, and 60-71 will remain pending in this application.

With respect to claims 1, 16, 31, and 46, the Examiner alleged that “the limitation of these claims do not produce a useful result.” In particular, the Examiner alleged that “[t]hese claims all recite ‘based on at least one of the hazard function and gain in lifetime value’, and therefore, if determining the focus is based on the gain in lifetime value, the hazard function will not have any value, and the focus can not be determined, thereby resulting in a result that is not useful” (Office Action, p. 2). Applicants respectfully disagree with the Examiner’s arguments and conclusions. However, to expedite prosecution, Applicants propose to amend claims 1, 16, 31, and 46 to recite, *inter alia*, “determining the focus . . . based on at least the hazard function.”

With respect to claims 16 and 46, the Examiner further alleged that “[a]s per independent claims 16 and 46, these claims are not concrete/tangible. The variables of

---

<sup>1</sup> The Office Action may contain statements characterizing the related art, case law, and claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

these claims recite no more than a bunch of modules, which in turn is software per se.” (Office Action, p. 3). Applicants respectfully disagree with the Examiner’s arguments and conclusions. However, to expedite prosecution, Applicants propose to amend claims 16 and 46. Claim 16 now recites “[a]n apparatus . . . comprising a computer comprising [a plurality of components]; and a display device displaying at least one of the hazard function, the gain in lifetime value for the first existing customer, and the focus for retention-based interactions with the first existing customer.” Claim 46 now recites “[a] system . . . comprising . . . means for displaying at least one of the hazard function, the gain in lifetime value for the first existing customer, and the focus for retention-based actions.” Support for the claim amendments may be found in Applicants’ specification at, for example, the first paragraph on page 8 and Fig. 1a.

Therefore independent claims 1, 16, 31, and 46 fall squarely within the categories of patentable subject matter. Accordingly, the 35 U.S.C. § 101 rejection of independent claims 1, 16, 31, and 46 and, hence, dependent claims 2-13, 15, 17-28, 30, 32-43, 45, 47-58, 60, and 66-69 is improper and should be withdrawn.

The Examiner also alleged that “all claims that depend from them (Claims 2-13, 15, 17-28, 30, 32-45, 47-58 and 60-71) do not produce a useful result, and are therefore non-statutory” (Office Action, p. 3). However, this allegation is not correct. Applicants submit that claims 61 and 63 are independent claims, with claims 62, 70, and 71 depending from base claim 61 and claims 64 and 65 depending from base claim 63. Applicants propose to amend claims 61-64 to improve form and clarity. Independent claims 61 and 63 now recite, *inter alia*, “determining the focus . . . based on at least the

hazard function." Accordingly, the 35 U.S.C. § 101 rejection of claims 61-65 and 70-71 is improper and should be withdrawn.

**Conclusion:**

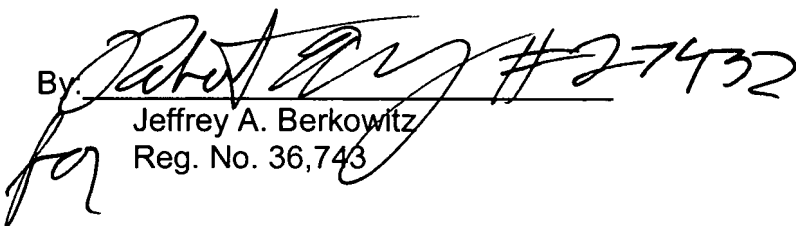
Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-13, 15-28, 30-43, 45-58, and 60-71 in condition for allowance. Applicants note that the Office Action mailed June 7, 2007, issued a new ground of rejection not necessitated by Applicants' amendments, and Applicants should be permitted an opportunity to respond. The proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate and favorable action by the Examiner.

In view of the foregoing, Applicants request reconsideration of the application and withdrawal of the rejections. Pending claims 1-13, 15-28, 30-43, 45-58, and 60-71 are in condition for allowance. Accordingly, Applicants request a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

Dated: August 27, 2007

By  #27432  
Jeffrey A. Berkowitz  
Reg. No. 36,743